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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

	)	NO. CV9 - -AHM( x)
	)	
Plaintiff,	)	ORDER RE PRETRIAL
	)	CONFERENCE ("PTC") AND
v.	)	PRETRIAL ORDER
	)	
	)	<b>DATE OF PTC:</b> _____, 19__
	)	
Defendants.	)	
_____	)	

**A. General Provisions**

The Pre-Trial Conference ("PTC") will be held at 2:30 P.M. on the date specified, unless the Court expressly waived a PTC at the Status Conference. (In the rare cases where the Court waives a PTC, the parties must follow Local Rule 9.11.) If adjustments in the Court's calendar to accommodate congestion become necessary, the Court may re-calendar the PTC instead of the trial date. Therefore, the parties should assume that if the PTC goes forward, the trial will go forward without continuance, although some brief period of trailing may prove necessary.

The lead trial attorney on behalf of every party shall attend both the PTC and all meetings of the parties in preparation of the PTC. Unless excused for good cause shown in advance of the PTC, the Court reserves the right to designate the attorney attending the PTC as lead trial counsel

A continuance of the PTC at the parties' request or by stipulation is highly unlikely. Specifically, failure to complete discovery is not a ground for continuance. In the unlikely event that the Court agrees to continuing the PTC, the trial date is likely to be delayed as a result,

possibly for a few months. If a change in the trial date is necessitated or likely because of the Court's calendar or otherwise, modifications of that date will be discussed at the PTC.

At the PTC, the parties should be prepared to discuss means of streamlining the trial, including, but not limited to: bifurcation; presentation of foundational and non-critical testimony and direct testimony by deposition excerpts; narrative summaries and/or stipulations as to the content of testimony; presentation of testimony on direct examination or by declaration subject to cross-examination, and qualification of experts by admitted resumes. As set forth above, the Court will attempt to rule upon the previously-filed motions in limine at the PTC. The Court will also discuss settlement, referring to the Status Report revised after the Settlement Conference. (See Section V.)

**B. Form of Pre-Trial Conference Order ("PTCO")**

The proposed PTCO shall be lodged fourteen calendar days before the PTC. Adherence to this time requirements is necessary for in-chambers preparation of the matter. The form of the proposed PTCO is that set forth in Appendix A to the Local Rules.

Please place in "ALL CAPS" and in **bold** the separately numbered headings for each category in the PTCO (e.g., "**1. THE PARTIES**" or "**7. CLAIMS AND DEFENSES OF THE PARTIES**"). Also, please include a Table of Contents at the beginning.

In specifying the surviving pleadings under Section 1, please state which claims or counterclaims have been dismissed or abandoned. E.g. "Plaintiff's second cause of action for breach of fiduciary duty has been dismissed." Also, in multiple party cases where not all claims or counterclaims will be prosecuted against all remaining parties on the other side, please specify to which party each claim or counterclaim is directed.

*In specifying the parties' claims and defenses under Section 7, each party shall closely follow the examples set forth in Appendix A of the Local Rules.*

In drafting the PTCO, the Court also expects that the parties will attempt to agree on and set forth as many non-contested facts as possible. The Court will usually read the uncontested facts to the jury at the start of the trial. A carefully drafted and comprehensively stated stipulation of facts will reduce the length of trial and increase jury understanding of the case.

1 In drafting the factual issues in dispute for the PTCO, the parties should attempt to state  
2 issues in ultimate fact form, not in the form of evidentiary fact issues (i.e., was the defendant  
3 negligent, was such negligence the proximate cause of injury to the plaintiff, was the plaintiff  
4 negligent, etc., not was the plaintiff standing on the corner of 5<sup>th</sup> and Spring at 10 a.m. on May 3,  
5 etc.). The parties may, if they so desire, list sub-issues under the headings of ultimate fact issues,  
6 but should not use this as a device to list disputes over evidentiary matters. In general, the issues  
7 of fact should set forth the disputed elements of the claim or affirmative defenses.

8 The Court may well submit fact issues to the jury in the form of findings on a special  
9 verdict. The issues of fact should track the elements of a claim or defense on which the jury will  
10 be required to make findings.

11 Issues of law should state legal issues on which the Court will be required to rule after the  
12 PTC, or during the trial, and should not list ultimate fact issues to be submitted to the trier of fact.

13  
14 The Court thanks the parties and their counsel for their anticipated cooperation in carrying  
15 out these requirements.

16 IT IS SO ORDERED.

17  
18 DATED: \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
A. HOWARD MATZ  
United States District Judge